employees and less than a total capacity of 155,000 barrels a day, will be eligible to receive Federal assistance of up to 35 percent of the costs necessary, through tax credits, to comply with the highway diesel fuel sulfur control requirements of the EPA.

Without such a provision, many small refineries will be unable to comply with the EPA rule and could be forced out of the market. Individually, each small refiner represents a small share of the national petroleum marketplace. Cumulatively, however, the impact is substantial. Small business refiners produce about 4 percent of the Nation's diesel fuel, and in some regions, provide over half.

Small business refiners also fill a critical national security function. For example, in 1998 and in 1999, small business refiners provided almost 20 percent of the jet fuel used by the U.S. military bases. Small business refiners' pricing competition pressures the larger integrated companies to lower prices for theircustomers. Without that competitive pressure, consumers will certainly pay higher prices for the same products.

Over the past decade, approximately 25 United States refineries have shut down. Without assistance in complying with the EPA rule, we may lose another 25 percent of U.S. refineries.

This legislation is critical, not because small business refiners do not want to comply with the EPA rule due to differences in environmental policy, but because it will help keep small business refiners as an integral part of the industry and on the way to cleaner production and full compliance with all environmental regulations.

SENATE MANAGED CARE LEGISLATION

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Texas (Mr. GREEN) is recognized for 5 minutes.

Mr. GREEN of Texas. Mr. Speaker, I rise tonight to encourage our House leadership to bring the Patients' Bill of Rights to the floor as soon as possible, hopefully next week.

The Senate took historic steps before the July 4 recess to pass a bipartisan, meaningful Patients' Bill of Rights. The McCain-Kennedy compromise legislation includes strong patient protections that will ensure high quality health care for millions of Americans with private health insurance coverage.

These protections include:

Access. Patients will be able to go directly to specialists. Women have the right to go to their OB-GYNs, and children directly to their pediatricians.

Communication. The Senate bill eliminates gag clauses which prohibit doctors from discussing all the treatment options, even those not covered by the plan, with their patients.

Emergency room care for patients who reasonably believe that they are suffering from an emergency medical condition. And probably the most important is accountability if an HMO's denial or delay of treatment causes a person's injury or death.

Many critics of this legislation say it would result in an onslaught of frivolous and expensive litigation, but this compromise bill also included many provisions to prevent such lawsuits from taking place.

For example, the legislation requires patients to exhaust all their appeal procedures before their health plan. By requiring that patients utilize an independent review panel, the bill makes sure that medical decisions are made in the best interests of medical practice in a timely manner.

In my home State of Texas, we have been using independent review organizations, or IROs, as we call them, to resolve HMO and patient coverage disputes since 1997. 4 years. These IROs are made up of experienced physicians who have the capability and the authority to resolve disputes for cases involving medical judgment.

These provisions have been successful not only because they protect patients, but also because they protect the insurers. Plans that comply with the independent review organization's decision cannot be held liable for punitive damages if they do go to court.

This plan has worked well. Since 1997, more than 1,000 patients and physicians have appealed decisions of HMO plans. The independence of this process is demonstrated by its fairly even split. Of this about 1,000 appeals, in only 55 percent of these cases did the IRO fully or partially reverse the decision of that HMO.

The Senate legislation protects employers from unnecessary litigation.

Let me go back to the independent review organizations. Fifty-five percent of the time, these IROs found that there was something wrong with the HMO's decision. I would hope that our medical decisions have a better percentage than to flip a coin, so in 55 percent of the cases in Texas, either partially or totally the HMO was reversed by the independent review organization.

The bill goes so far because it protects employers against any liability unless they are directly participating in the decision on a claim for benefits which result in personal injury or death.

The bill specifically lists a number of areas that are not considered direct participation. In other words, as an employer, one could select the health plan, choose benefits to be covered under the plan, buy a Cadillac plan or a Chevrolet plan, and the employer would not be sued for that, or for advocating with the health plan on behalf of the beneficiary for coverage.

I know in my own experience as a small business, oftentimes my biggest problem was advocating for our employees with our health insurance plan to say it should be covered.

The only case where an employer would be liable would be if they choose to make medical decisions which harm or kill a patient. If the employer acts like a doctor, then the McCain-Kennedy bill hold them responsible like a doctor.

Mr. Speaker, I mentioned earlier, we have had many of these same provisions in Texas law now for 4 years. Yet, we have not seen a barrage of frivolous lawsuits, nor have insurance premiums risen at a faster rate than anywhere else in the Nation.

Mr. Speaker, the Dingell-Ganske bill before the House is very similar to the McCain-Kennedy bill, which is very similar to a law that we have had on the books in Texas for 4 years. It contains many of the same compromise provisions, which at the same time ensure that these protections can be enforced.

It is time that the House followed suit and passed a real, meaningful, strong, bipartisan Patients' Bill of Rights. I urge the leadership not to delay in bringing the Dingell-Ganske bill to the floor for a vote.

GENERAL LEAVE

Ms. WATSON of California. Mr. Speaker, I ask unanimous consent that Members have 5 days to revise and extend their remarks on the subject of my special order.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from California?

There was no objection.

THE LEGACY OF CALIFORNIA STATE SUPREME COURT JUSTICE STANLEY MOSK

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from California (Ms. WATSON) is recognized for 5 minutes.

Ms. WATSON of California. Mr. Speaker, today I stand before this august body to pay tribute to a superb colleague, friend, and fighter for justice, the late Honorable California State Supreme Court Justice Stanley Mosk.

As a State Supreme Court Justice, Stanley Mosk fought repeatedly for civil rights and individual liberties. He constantly strove for fairness for all Californians. Judge Mosk did not view his judicial task as a job, but as a mission for humanity. Judge Mosk understood the pain of racism.
It was during his election to statewide office that his faith was made an issue. Judge Mosk, as a Los Angeles Superior Court judge, threw out a restrictive real estate covenant that prevented a black family from moving into a white neighborhood. A year later, the U.S. Supreme Court voided such covenants.

It was Judge Mosk’s ability to relate to the pain caused by racism that allowed him to approach legal decisions with a touch of humanity and fairness.

Even before his career as a judge, Mosk had the ability to tell the difference between right and wrong. As a State Attorney General in the late 1950s and early 1960s, he established the office’s civil rights division, and helped to persuade the Professional Golfer’s Association to drop its whites-only clause. Judge Stanley Mosk, a longtime Democrat and self-described liberal, was appointed to the State’s highest court in 1964 and served until his death, a 37-year tenure that made him the State’s longest-serving Justice. During that time, he wrote 1,500 opinions.

Judge Mosk often produced opinions separate from the court majority. He opposed the death penalty, but also showed flexibility and a knack for anticipating political currents. His decisions continued to reflect his quest for fairness and the desire to correct existing wrongs.

In 1972, Judge Mosk’s ruling extended to private developers a law requiring a study of each major project’s likely environmental impact and ways to avoid the harm.

In 1978, Judge Mosk ruled to ban racial discrimination in jury selections. He rendered this decision 8 years before the U.S. Supreme Court made the same decision. In light of his judicial decisions and opinions, Judge Stanley Mosk remained a champion for fairness and humanity.

Today, I am honored as a Californian and as a former State Senator to pay homage to the career and the legacy of this great man.

Ms. WATERS. Mr. Speaker, I speak today to honor Justice Stanley Mosk, who died last month after serving 37 years on the California Supreme Court. He was California’s longest serving Justice, a highly respected, even revered judge who delivered almost 1,700 opinions in his remarkable career. He was repeatedly honored for his contributions to the caliber of our judiciary and the quality of justice meted out by our courts in California. He was a distinguished lawyer, a renowned author and an outstanding jurist.

I have had the honor of knowing Justice Mosk and his family for many years and he was one of the two special people who had a profound influence on my political life. He was a tremendously impressive individual who embodied a unique combination of political savvy and legal scholarship with an abiding commitment to justice. From 1959 to 1962 he served as executive secretary and legal adviser to the Governor of California, and for the 16 years from 1943 to 1959 he was a judge of the Superior Court in Los Angeles. After serving in the Coast Guard Temporary Reserve during the early days of World War II, Judge Mosk left the Superior Court bench and enlisted in the army as a private. He served until the end of the war and then returned to the court.

In 1958, Mosk was elected Attorney General of California with more than a million vote margin over his opponent, the largest majority of any contest in America that year. He was overwhelmingly re-elected in 1962.

He was the first person of the Jewish faith to be elected to a statewide office after a campaign in which his religion was made an issue. His unrelenting victory was especially important to Jewish candidates who followed him into public service, because it established the fact that their religion would not be a factor in California elections.
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He was appointed to the state’s high court in 1964 by then-Governor Pat Brown. Justice Mosk loved being on the court and hated the thought of retirement, but fearing that his age was slowing him down, he had reluctantly decided to step down this year. He died the day he planned to submit his resignation letter to Governor Davis.

Justice Mosk fought doggedly for civil rights and individual liberties. He threw out restrictive real estate covenants that kept black families out of white neighborhoods and opened professional golf to nonwhites. He barred prosecutors from removing jurors on racial grounds. He declared that handicapped parents could not be stereotyped and automatically disqualified from raising their own children.

He was revered for his independence as well as his intelligence, his dedication to equal justice and his wisdom and common sense.

In November of 1998, Justice Mosk offered to retire. Under a previous order of the Supreme Court: (1) Properly apply the law, (2) Independence and impartiality, and (3) Justice. He can be no better eulogized than by this short list, which he honored throughout his brilliant career. I ask my colleagues to join me today in paying tribute to Justice Stanley Mosk, a legal giant of California.

COUNTRY-OF-ORIGIN LABELING FOR FARM-RAISED FISH

The SPEAKER pro tempore (Mr. OSBORNE). Under a previous order of the House, the gentleman from Arkansas (Mr. ROSS) is recognized for 5 minutes.

Mr. ROSS. Mr. Speaker, the farm-raised catfish industry is an important part of the economy in my congressional district that covers the southern third of Arkansas. In fact, Arkansas is third in catfish sales in the Nation, behind only Mississippi and Alabama, with nearly $66 million, or 13 percent, of the total U.S. sales.

I recently met with catfish farmers in southeast Arkansas, and I can tell my colleagues that catfish producers in my district are upset that so-called catfish are being dumped into our markets from Vietnam and sold as farm-raised catfish. The truth is that it is not farm raised, and I am not even sure it is catfish. Last year, imports of Vietnam catfish totaled 7 million pounds, more than triple the 2 million pounds imported in 1999 and more than 12 times the 575,000 pounds imported in 1998.

In Vietnam, these so-called catfish, also known as basa, can be produced at a much lower cost, due to cheap labor and less stringent environmental regulations. In fact, many of these fish are grown in floating cages in the Mekong River, exposing the fish to pollutants and other conditions. They are then dumped into American markets and often marketed as farm-raised catfish. Many catfish producers believe that these imports have taken away as much as 10 percent of our markets here at home.

It is really quite simple. Farmers do not mind competition, but they do mind when the competition is unfair and untruthful. This is why today my colleagues, including the gentleman from Arkansas (Mr. BERRY), the gentleman from Mississippi (Mr. SHOWS), and the gentleman from Mississippi (Mr. PICKERING) introduced, along with me, a bipartisan bill, H.R. 2439, the Ross-Berry-Pickering bill, that would amend the Agricultural Marketing Act of 1946 to require retailers to inform consumers of the country of origin of the fish that they sell.

Under the bill, all fish would be covered. Each retailer would be required to notify the consumer at the final point of sale of the country of origin of the fish. The consumer could only be designated as being from the United States if it is from a farm-raised fish that is exclusively born, raised, and processed in the United States.

When our consumers go into the store and ask for farm-raised catfish, they deserve to know what they are getting is actually farm raised and catfish. By letting consumers know where the product is coming from, this bill will encourage the people in Arkansas and all across America to buy catfish grown by our farm families, not fish grown in a polluted river in another country.

I urge my colleagues to join me in protecting consumers and to support a level playing field for America’s farm-raised fish producers by supporting this measure.

TRIBUTE TO THE LATE JUDGE STANLEY MOSK

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from California (Mr. WAXMAN) is recognized for 5 minutes.

Mr. WAXMAN. Mr. Speaker, I am pleased to join my California congressional colleagues in honoring the memory of Justice Stanley Mosk and the great legacy he left the people of California and our Nation.

Justice Mosk was in public service for sixty years. He was a trial judge on the Superior Court of Los Angeles. He served as the Attorney General for the State of California. He was the longest serving member in California State’s Supreme Court 151-year history. He served on the court for 37 years under five chief justices until his death on June 19, 2001 at the age of 88.

My colleagues who have preceded me have spoken very eloquently about Judge Mosk’s contributions to our Nation. I want to take a moment to speak of Justice Mosk’s personal influence on me as a Jewish American. Today, we take for granted that individuals of different racial and ethnic ancestry serve in public office. Last year, when Senator Joe Lieberman ran on the national ticket for vice president, he was the first Jewish American to do so, but his religious and ethnic background did not cause a strong reaction in most Americans. He was judged as an individual on his abilities, his political beliefs, and his record.

In the late 1950’s, Stanley Mosk was the first Jewish American to run for statewide office in California, and his candidacy caused some concern and trepidation in the Jewish community. American Jews were very active in politics, and they made great public service contributions, but there was enormous hesitancy in running for public office and assuming such a visible a position. Today, those of us who are Jewish and from California feel an enormous amount of pride in Justice Mosk because he was one of the premier constitutional lawyers in our Nation and he met the highest standards for public officials.

As a trailblazer in the Jewish community, Stanley Mosk never forgot that he helped pave the way for Jews and other minority Americans who faced professional and social hurdles. He was an unflagging champion of civil rights and individual liberties. He was also a shining inspiration to all of us who followed. When I ran for a seat in the House of Representatives more than twenty-five years ago, I was the first Jewish American from Southern California to be elected to Congress, and the first in the State in forty years. It is tribute to our Nation that Jewish Americans today represent not only districts with large Jewish populations, but those with small Jewish constituencies as well.

Stanley Mosk was mentor to a whole generation of Jewish activists. He will be affectionately remembered and sorely missed.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. The Chair would remind Members not to refer to individual Senators.

AMERICA’S ENERGY POLICY

The SPEAKER pro tempore. Under the Speaker’s announced policy of January 3, 2001, the gentleman from Oregon (Mr. DEFAZIO) is recognized for 60 minutes as the designee of the minority leader.

Mr. DEFAZIO. Mr. Speaker, this evening I rise, hopefully to be joined by others, to discuss the energy situation in the United States of America. It was James Watt, when President Bush unveiled the national energy policy, so-called energy plan, that caused such a strong reaction in most Americans. He was judged as an individual on his abilities, his political beliefs, and his record.

With President Bush’s energy plan, the nation’s energy independence is under attack. The plan will shift the nation’s energy dependence away from coal, which is our nation’s greatest natural resource and our nation’s greatest source of low-cost electric energy.

We know that our nation’s energy future is coal. Coal can provide 50% of our energy needs with a third the amount of CO2 that renewable energies can. Coal is clean, reliable, and abundant. It is a national resource. Coal is more than just a source of energy; it is a source of American jobs. Coal jobs are good jobs: 18 coal miners make as much as 20 electricians. Coal has always been a source of pride to the men and women who work in the coalfields.

Under the American’s Energy Plan, a large proportion of coal will be replaced by imported oil. The energy plan will encourage states to sell off their coal reserves to foreign interests. Coal is a valuable natural resource, and we should not be exporting our coal to foreign interests, but rather we should be using our own coal to power this nation.

The energy plan gives the oil companies a huge advantage over the coal industry. The energy plan will make it more difficult for coal to compete in the competitive fuel market.

This lack of competition will depress the price of coal, which will cost American workers their jobs. The energy plan will result in the loss of American jobs.

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